PATENT COOPERATION TREATY

TRANSLATION INTERNATIONAL SEARCHING AUTHORITY To: WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year) Applicant's or agent's file reference FOR FURTHER ACTION See paragraph 2 below KW310PC Priority date (day/month/year) International filing date (day/month/year) International application No. 31.03.2004 30.03.2005 PCT/JP2005/006726 International Patent Classification (IPC) or both national classification and IPC Applicant KABUSHIKI KAISHA KENWOOD This opinion contains indications relating to the following items: Box No. I Basis of the opinion Box No. II Priority Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. III Lack of unity of invention Box No. IV Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement Certain documents cited Box No. VI Certain defects in the international application Box No. VII Box No. VIII Certain observations on the international application FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220. Authorized officer Name and mailing address of the ISA/JP Telephone No.

Facsimile No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

Box	No. I Basis of this opinion	_
1.	With regard to the language, this opinion has been established on the basis of the international application in the language in which it will filed, unless otherwise indicated under this item.	as
	This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (und	ar
	Rule 12.3 and 23.1(b)).	
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claim invention, this opinion has been established on the basis of:	ned
	a. type of material	ļ
	a sequence listing	
	table(s) related to the sequence listing	1
	b. format of material .	
	in written format	Ì
	in computer readable form	i
	c. time of filing/furnishing	
1	contained in the international application as filed.	ł
l	filed together with the international application in computer readable form.	ļ
	furnished subsequently to this Authority for the purposes of search.	
3.	In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been file furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application filed or does not go beyond the application as filed, as appropriate, were furnished.	d or on as
4.	Additional comments:	
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Statement Novelty (N) Claims Claims 1-16 Claims Industrial applicability (IA) Claims 1-16 Claims 1-16 Claims Industrial applicability (IA) Claims 1-16 Claims 1-16 Claims N Claims 1-16 Claims N Claims Claims 1-16 Claims N N Claims N N Claims N N Claims N N Claims N Cla	ox No. V Reasoned stateme	nt under Ru	ale 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; poorting such statement	
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Telephone No.

Facsimile No.

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	This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under
	Rule 12.3 and 23.1(b)).
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
	a. type of material
	a sequence listing
	table(s) related to the sequence listing
	b. format of material
	in written format
1	in computer readable form
1	c. time of filing/furnishing
1	contained in the international application as filed.
1	tiled together with the international application in computer readable form.
1	furnished subsequently to this Authority for the purposes of search.
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3.	In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4.	Additional comments:
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1. Statement Novelty (N) Claims Claims Inventive step (IS) Claims Industrial applicability (IA) Industrial applic	Box	No. V Reasoned statemen	t under Ru	le 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; porting such statement	
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Industrial applicability (IA) Claims Claims 1-16 Claims 1-16 Claims 1-16 Claims 1-16 Claims 1-16 Claims 1-16 Claims Claims 1-16 Claims 1-16 Claims No Claims 1-16 Claims No Claims Claims Claims 1-16 Claims No Claims Claims 1-16 Claims No Claims No Claims Claims Claims Claims 1-16 Claims No Claims Countent 2: JP 2003-174485 A (Sony Corporation), 20 June 2003, full text, all drawings & WO 2003/049392 Al Document 3: JP 8-288796 A (NEC Corporation), 01 November 1996, paragraph 0009, Fig. 1 & US 5727030 A & EP 738053 A2 & DE 69633313 D & AU 5059496 A & CA 2173785 A1 & KR 170011 B Claims 1-16 Document 1 cited in the ISR (paragraph 0023, Fig. 7) describes, at time of performing modulation using a multi-value FSK system, performing modulation using a frequency deflection (maximum value, minimum value) that has the longest distance between signals in accordance with the importance. Document 2 cited in the ISR (see particularly the descriptions in paragraphs 0031-0035, 0044 and 0090) describes estimating the communication quality, and changing a modulation method in accordance with the estimated communication quality and the importance of supplied bits. Also, document 3 cited in the ISR (paragraph 0009, Fig. 1) describes determining communication quality based on the intensity (potential intensity) or the like of the signal		Novelty (N)			YES NO
2. Citations and explanations: Document 1: JP 11-220762 A (NTT Ido Tsushinmo K.K.), 10 August 1999, paragraph 002 Fig. 7 & US 6512748 B1 Document 2: JP 2003-174485 A (Sony Corporation), 20 June 2003, full text, all drawings & WO 2003/049392 A1 Document 3: JP 8-288796 A (NEC Corporation), 01 November 1996, paragraph 0009, Fig. 1 & US 5727030 A & EP 738053 A2 & DE 69633313 D & AU 5059496 A & CA 2173785 A1 & KR 170011 B Claims 1-16 Document 1 cited in the ISR (paragraph 0023, Fig. 7) describes, at time of performing modulation using a multi-value FSK system, performing modulation using a frequency deflection (maximum value, minimum value) that has the longest distance between signals in accordance with the importance. Document 2 cited in the ISR (see particularly the descriptions in paragraphs 0031-0035, 0044 and 0090) describes estimating the communication quality, and changing a modulation method in accordance with the estimated communication quality and the importance of supplied bits. Also, document 3 cited in the ISR (paragraph 0009, Fig. 1) describes determining communication quality based on the intensity (potential intensity) or the like of the signal		Inventive step (IS)	Claims	1-16	YES
Document 1: JP 11-220762 A (NTT Ido Tsushinmo K.K.), 10 August 1999, paragraph 002 Fig. 7 & US 6512748 B1 Document 2: JP 2003-174485 A (Sony Corporation), 20 June 2003, full text, all drawings & WO 2003/049392 A1 Document 3: JP 8-288796 Λ (NEC Corporation), 01 November 1996, paragraph 0009, Fig 1 & US 5727030 A & EP 738053 A2 & DE 69633313 D & AU 5059496 A & CA 2173785 A1 & KR 170011 B Claims 1-16 Document 1 cited in the ISR (paragraph 0023, Fig. 7) describes, at time of performing modulation using a multi-value FSK system, performing modulation using a frequency deflection (maximum value, minimum value) that has the longest distance between signals in accordance with the importance. Document 2 cited in the ISR (see particularly the descriptions in paragraphs 0031-0035, 0044 and 0090) describes estimating the communication quality, and changing a modulation method in accordance with the estimated communication quality and the importance of supplied bits. Also, document 3 cited in the ISR (paragraph 0009, Fig. 1) describes determining communication quality based on the intensity (potential intensity) or the like of the signal		Industrial applicability (IA)		1-16	_ YES _ NO
Fig. 7 & US 6512748 B1 Document 2: JP 2003-174485 A (Sony Corporation), 20 June 2003, full text, all drawings & WO 2003/049392 A1 Document 3: JP 8-288796 A (NEC Corporation), 01 November 1996, paragraph 0009, Fig 1 & US 5727030 A & EP 738053 A2 & DE 69633313 D & AU 5059496 A & CA 2173785 A1 & KR 170011 B Claims 1-16 Document 1 cited in the ISR (paragraph 0023, Fig. 7) describes, at time of performing modulation using a multi-value FSK system, performing modulation using a frequency deflection (maximum value, minimum value) that has the longest distance between signals in accordance with the importance. Document 2 cited in the ISR (see particularly the descriptions in paragraphs 0031-0035, 0044 and 0090) describes estimating the communication quality, and changing a modulation method in accordance with the estimated communication quality and the importance of supplied bits. Also, document 3 cited in the ISR (paragraph 0009, Fig. 1) describes determining communication quality based on the intensity (potential intensity) or the like of the signal	2.				ບບວວ
transmitted through a transmission path. Documents 1 through 3 indicate the state of art in the present technical field, and to		& WO 2003/049392 A Document 3: JP 8-288 1 & US 5727030 A & E & CA 2173785 A1 & Claims 1-16 Document 1 c performing modulation frequency deflection between signals in ac Document 2 c 0035, 0044 and 0090 modulation method in importance of supplication qualification quality	A1 3796 A (EP 7380): KR 170 ited in the cordance ited in the cordance ited in the corder of the	(NEC Corporation), 01 November 1996, paragraph 0009, 53 A2 & DE 69633313 D & AU 5059496 A 0011 B the ISR (paragraph 0023, Fig. 7) describes, at time of a multi-value FSK system, performing modulation using um value, minimum value) that has the longest distance e with the importance. The ISR (see particularly the descriptions in paragraphs 00 pes estimating the communication quality, and changing a lance with the estimated communication quality and the end in the ISR (paragraph 0009, Fig. 1) describes determined on the intensity (potential intensity) or the like of the significant path	a 31- ing the

特許協力条約

発信人 日本国特許庁 (国際調査機関)

東京都千代田区丸の内3-2-3

REC'D 16 JUN 2005 WIPO

代理人 岡部 正夫 様

PCT 国際調査機関の見解書 (法施行規則第40条の2) [PCT規則43の2.1]

富士ビル602号室 発送日 (日.月.年)

14. 6. 2005

出願人又は代理人 KW310PC の街類配号

〒100-0005

あて名

今後の手続きについては、下記2を参照すること。

国際出願番号 PCT/JP2005/006726

国際出願日 30. 03. 2005 (日.月.年)

優先日

31.03.2004 (日.月.年)

国際特許分類 (IPC) Int.Cl. H04L27/12, H03M13/27, 13/35

出願人(氏名又は名称) 株式会社 ケンウッド

1. この見解費は次の内容を含む。

第1概 見解の基礎 V

第Ⅱ棚 優先権

第Ⅲ棚 新規性、進歩性又は産業上の利用可能性についての見解の不作成

第Ⅳ棚 発明の単一性の欠如

PC.T規則 43 の 2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、 それを裏付けるための文献及び説明

第VI概 ある種の引用文献

第VII 国際出願の不備

第四個 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国 原予備審査機関がPCT規 66.1 の 2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさ ない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解告が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日か 63月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当 な場合は補正費とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

01.06.2005

名称及びあて先

日本国特許庁 (ISA/JP) 郵便番号100-8915

東京都千代田区霞が関三丁目4番3号

特許庁迩査官(権限のある職員)

8625 5 K

藤井 浩

電話番号 03-3581-1101 内線 3556

様式PCT/ISA/237(表紙)(2004年1月)

第1個	見解の基礎	<u>*</u>			
		,	18 A 3 FA / 15 4.	内吹山南の今頭を其礁	レーマ作成された。

1. この見解書は、下記に示す場合を除くほか、国際出願の首語を基礎として作成された。

2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なヌクレオチド又はアミノ酸配列に関して、 以下に基づき見解告を作成した。

配列表に関連するテーブル

コンピュータ読み取り可能な形式

□ この国際出願と共にコンピュータ読み取り可能な形式により提出された

出願後に、調査のために、この国際調査機関に提出された

3. 「 さらに、配列表又は配列表に関連するテーブルを提出した場合に、出頭後に提出した配列若しくは追加して提出した配列が出頭時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

4. 補足意見:

	第V柳 新規性、進歩性又は産業」 それを裏付る文献及び説明	上の利用可能性に 月	ついてのPCT規則 43 の 2. 1 (a) (i) に定める見解、 	
	1. 見解		·	
	新規性(N)	請求の範囲 請求の範囲	1-16	有 無
	進步性 (IS) 	請求の範囲 請求の範囲	1-16	有 無
	産業上の利用可能性(IA)	請求の範囲 請求の範囲	1-16	有 無
ı				

文献及び説明

文献 1: JP 11-220762 A (エヌ・ティ・ティ移動通信網株式会社) 1999.08.10,

段落番号【0023】,第7図 & US 6512748 B1

文献 2: JP 2003-174485 A (ソニー株式会社) 2003.06.20, 全文, 全図

& WO 2003/049392 A1

文献 3_.: JP 8-288796 A (日本電気株式会社) 1996.11.01,

段落番号【0009】, 第1図

& US 5727030 A & EP 738053 A2 & DE 69633313 D & AU 5059496 A

& CA 2173785 A1 & KR 170011 B

請求の範囲1-16

国際調査報告にて引用された上記文献1 (段落番号【0023】, 第7図)には、 多値のFSK方式により変調を行う際、重要度に応じて最も信号間距離の離れた周波 数偏位(最大値、最小値)を用いて変調を行うことが記載されている。

国際調査報告にて引用された上記文献2(特に、段落番号【0031】-【003 5], 【0044】及び【0090】の記載参照)には、通信品質を推定し、推定した 通信品位と供給された各ビットの重要度に応じて変調方式を変えることが記載され ている。

また、国際調査報告にて引用された上記文献3 (段落番号【0009】, 第1図) には、伝送路上で伝送されている信号の強度(電界強度)等に基づいて通信品質を判 定することが記載されている。

これら文献1乃至文献3は、本件の技術分野における技術水準を示すためのもので あって、本件の請求の範囲1乃至16に係る発明は、上記文献1乃至文献3からは、 新規性なし及び進歩性なしとすることはできない。また、産業上利用することは、明 らかに可能である。

特許協力条約

発信人 日本国特許庁 (国際調査機関)

REC'D 1'6 JUN 2005 WIPO

,		 	
代理人	•		
岡部	正夫		
			橑

PCT 国際調査機関の見解書 (法施行規則第40条の2) [PCT規則43の2.1]

東京都千代田区丸の内3-2-3 富士ビル602号室 **発送日**

14, 6, 2005 (日.月.年)

出願人又は代理人 KW310PC の書類記号

〒100-0005

あて名

今後の手続きについては、下記2を参照すること。

国際出願番号 PCT/JP2005/006726

国際出願日 30.03.2005 (日.月.年)

優先日 (日.月.年)

31.03.2004

国際特許分類 (IPC) Int.Cl. H04L27/12, H03M13/27, 13/35

出願人(氏名又は名称) 株式会社 ケンウッド

1. この見解掛は次の内容を含む。

第1 棚 見解の基礎 V

第11概 優先権

第Ⅲ棚 新規性、進歩性又は産業上の利用可能性についての見解の不作成

第Ⅳ概 発明の単一性の欠如

PCT規則 43 の 2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、 それを裏付けるための文献及び説明

第VI概 ある種の引用文献

第VII棚 国際出願の不備

第四欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国 際予備審査機関がPCT規 66.1 の 2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさ ない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解告とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日か ら3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当 な場合は補正街とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解むを作成した日 01.06.2005 名称及びあて先

特許庁審査官 (権限のある職員)

8625 5 K

日本国特許庁 (ISA/JP) 郵便番号100-8915

東京都千代田区領が関三丁目 4番 3号

藤井 浩

低話番号 03-3581-1101 内線 3556

様式PCT/ISA/237(装紙)(2004年1月)

	田野	利亚仪	300元件证		
第1個	見解の基礎		•		_
		に示す	場合を除くほか、国際出願の官語を基	基礎として作成された。	
Γ	この見解歌は、 それは国際調査	のために	語による翻訳文を基礎と 提出されたPCT規則12.3及び23.1	として作成した。 1(b)にいう翻訳文の言語である。	
2. こ 以	の国際出願で開示 下に基づき見解せ	されか を作成	・ つ請求の範囲に係る発明に不可欠な3 した。	ヌクレオチド又はアミノ酸配列に関して、	
а.	・ タイプ	Γ.	配列表	• .	
	•	Γ	配列表に関連するテーブル		
ъ.	フォーマット	Γ	書面		
·	·	Ϊ	コンピュータ読み取り可能な形式		
c.	提出時期	Г	出願時の国際出願に含まれる		
		Γ .	この国際出願と共にコンピュータ記	読み取り可能な形式により提出された	
		Γ	出願後に、調査のために、この国際	際調査機関に提出された	
з. Г	- さらに、配列 ³ た配列が出類 ¹ あった。	長又は配 時に提出	.列表に関連するテーブルを提出した ↓した配列と同一である旨、又は、出	た場合に、出願後に提出した配列若しくは追加して提出 出願時の開示を超える事項を含まない旨の陳述書の提 、	出し出が
4. 4	浦足 意見:				
:					
			•		
			•	•	
				•	

第	V 柳 新規性、進歩性又は産業上 それを裏付る文献及び説明		ついてのPCT規則 43 の 2. 1 (a) (i)に定める見解、	
1.	見解		·	-
	新規性 (N)	請求の範囲 請求の範囲	1-16	_ 有
	進步性(IS)	請求の範囲 請求の範囲	1-16	_ 有 _ 無
	産業上の利用可能性 (IA)	簡求の範囲 請求の範囲	1 – 1 6	_ 有 _ 無

2. 文献及び説明

文献1: JP 11-220762 A (エヌ・ティ・ティ移動通信網株式会社) 1999. 08. 10,

段落番号【0023】, 第7図 & US 6512748 B1

文献 2: JP 2003-174485 A (ソニー株式会社) 2003.06.20, 全文, 全図

& WO 2003/049392 A1

文献 3 : JP 8-288796 A (日本電気株式会社) 1996.11.01,

段落番号【0009】, 第1図

& US 5727030 A & EP 738053 A2 & DE 69633313 D & AU 5059496 A

& CA 2173785 A1 & KR 170011 B

請求の範囲1-16

国際調査報告にて引用された上記文献1 (段落番号【0023】, 第7図) には、 多値のFSK方式により変調を行う際、重要度に応じて最も信号間距離の離れた周波 数偏位(最大値、最小値)を用いて変調を行うことが記載されている。

国際調査報告にて引用された上記文献2(特に、段落番号【0031】-【0035】,【0044】及び【0090】の記載参照)には、通信品質を推定し、推定した通信品位と供給された各ビットの重要度に応じて変調方式を変えることが記載されている。

また、国際調査報告にて引用された上記文献3(段落番号【0009】, 第1図) には、伝送路上で伝送されている信号の強度(電界強度)等に基づいて通信品質を判 定することが記載されている。

これら文献1乃至文献3は、本件の技術分野における技術水準を示すためのものであって、本件の請求の範囲1乃至16に係る発明は、上記文献1乃至文献3からは、新規性なし及び進歩性なしとすることはできない。また、産業上利用することは、明らかに可能である。